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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,188	07/18/2000	Laurent Depersin	PHF 99 , 563	9688

7590 10/09/2002

Jack D Slobod  
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Intellectual Property Department  
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EXAMINER

ABRAHAM, ESAW T

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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OFFICE OF PETITIONS

**Office Action Summary**

Application No.	09/618,188	Applicant(s)	DEPERSIN, LAURENT
Examiner	Esaw T Abraham	Art Unit	2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_.  
2a) This action is FINAL.                            2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_ is/are allowed.  
6) Claim(s) 1-7 is/are rejected.  
7) Claim(s) \_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

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**OFFICE OF PETITIONS****Application Papers**

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.  
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.  
15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_

**DETAILED ACTION**

1. Claims 1-7 are presented for examination.

\*\*\*\*\*The examiner considers the preliminary amendment filed on 09/22/00

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No: 9909404 filed on 07/20/98.

***Specification***

3. The **abstract** of the disclosure is objected because the phrases (words) on line 14 and 15 are not part of the abstract should be removed.

Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 to 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvinen et al (U.S. PN: 5,526,366).

As per claims 1 and 4-7, Jarvinen et al. disclose a communication system and a method for transmitting data between a transmitter and a receiver (see col. 1, lines 10-34) whereby the

receiver receives a speech signal (see col. 1, lines 48-63 and see fig. 1 element 110) comprising a code processor (error correction device) (see fig. 1 element 104 or fig. 2, element 200) wherein the processor comprising a recognition of erroneous frame (recognition means) (see fig. 2, element 206 and col. 2, lines 7-11) whereby error detection are carried out in the recognition erroneous frame and the received frame classified by error frame classifier (see fig. 2 element 207 and col. 2, lines 10-17), a replacement of erroneous frames (replacement means) for replacing of erroneous frames (see fig. 2, element 204 and col. 2, lines 17-28). Jarvinen et al did not explicitly teach a synthesis means for synthesizing parts of a speech elements corresponding to a corrupted data and replacing the corrupted frame by the synthesizing parts. However, Jarvinen et al teach a method of removing or replacing a bad frame based on synthesizing a speech signal (see col. 1, lines 57-64 and col. 6, last paragraph) which Jarvinen et al teach the same method of replacing the erroneous frames as the applicant. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the corrupted parts by synthesizing parts in the received data frames. This modification would have been obvious because one person having ordinary skill in the art would have been motivated to use a synthesizing means to replace the corrupted frames in order to avoid highly annoying degradation's such as clicks and beeps produced in the receiver. Although Jarvinen et al did not explicitly teach a detecting means, Jarvinen et al teach detecting transmission errors directly from the speech coding parameters carried out in the recognition of erroneous frames (see fig. 2, element 26) which the receiving system of Jarvinen et al obviously comprise a detector for detecting bad frames in the recognized speech. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the

process of detection because detection is a procedure found in a demodulator for reconstructing an original message signal from a modulated carrier wave.

As per claim 2, Jarvinen et al teach all subject matter claimed in claim 1. Jarvinen et al did not teach the terms phonemes or diphones. However, diphones or phonemes are known in the art and common knowolodge to most of speech transmitting systems. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made have speech elements such as phonemes or diphones. This modification would have been obvious because one person having ordinary skill in the art would have been motivated because such speech elements (phonemes) are any of abstract units of phonetic system of a language that correspond to a set of similar speech sounds which are perceived a single distinctive sound in the language.

As per claim 3, Jarvinen et al teach all subject matter claimed in claim 1 including a code processor (error correction device). Jarvinen et al teach did not a storage element within the code processor. However, storage unit is known in the art for storing transmitted elements such as speech elements. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to include a storage unit such as a temporary memory or a buffer in order to compensate for a difference in rate of flow of data, or time of occurrence of events when transferring data from one device to another.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US PN: 6144936 Jarvinen et al

US PN: 6170073 Jarvinen et al

US PN: 5907822 Prieto, Jr

US PN: 6161091 Akamine et al

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Esaw Abraham whose telephone number is (703) 305-7743. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are successful, the examiner's supervisor, Albert DeCady can be reached on (703) 305-9595. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for after final communications.

Esaw Abraham

Art unit: 2133

*ALBERT DECADEY*  
SUPERVISORY PATENT EXAMINER  
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